

REMARKS

Claims 27-46 have been examined and have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

The Examiner has objected to the specification because it does not recite the claim limitation of a “simple audio player”. However, as acknowledged by the Examiner, the specification recites an “unsophisticated audio player”. Since the term “simple” is synonymous with the term “unsophisticated,” Applicant has amended the specification to acknowledge that both terms can be used interchangeably, as requested by the Examiner.

Applicant submits that such amendment complies with MPEP § 608.01(o), which states that, “[w]hile an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims.” Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the objection.

The above amendment to the specification was previously submitted in the April 1, 2004 Amendment.

II. Rejections under 35 U.S.C. § 103(a) over U.S. Patent No. 5,896,358 to Endoh et al. (“Endoh”) in view of U.S. Patent No. 5,809,201 to Nagasawa (“Nagasawa”) and U.S. Patent No. 6,449,227 to Heo (“Heo”).

The Examiner has rejected claims 27-46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Endoh in view of Nagasawa and Heo.

A. Claim 27

Applicant submits that claim 27 is patentable over the cited references. For example, claim 27 recites an audio zone that includes substantive data, first control data and second control data for reproducing the substantive data. The audio zone further includes an audio title set and an audio manager for managing the audio title set. The audio title set includes the substantive data and the first control data, and is not provided at the head of the audio zone. Rather, the second control data is recorded at a head of the audio zone.

The Examiner maintains that Endoh, Nagasawa and Heo disclose the above features. In particular, on pg. 3 of the Office Action, and in regard to the Endoh reference, the Examiner maintains that the claimed second control data is defined by “data indicating whether the audio data items are for use in the surround mode or special use, such as karaoke,” (col. 5, lines 26-28 of Endoh), and maintains that the claimed first control data is disclosed by col. 3, lines 11-16, which discusses the first and second code information.

As stated in column 3 of Endoh, the first code information “determines” a *surround* mode, while the second information “determines” a *special use* mode, which are the same modes referred to above in the Examiner’s alleged second control data. Accordingly, the “data” cited

by the Examiner in col. 5, lines 26-28 of Endoh, is indicative of either the surround mode or the special use mode of col. 3, lines 11-16. As such, the cited portions appear to suggest that the Examiner maintains that the claimed first control data is disclosed by the first code information, and the claimed second control data is disclosed by the second code information. However, as set forth in the April 1, 2004 Amendment, the audio coding information for the “surround” mode and the “special use” mode is written in the bit stream information BSI (col. 29, lines 27-35). The BSI is contained in the frame header 424 along with the synchronizing information header SI (Fig. 54; col. 29, lines 19-22). Based on such disclosure, Applicant submits that both the first code information (i.e. alleged first control data) and the second code information (i.e. alleged second control data) are recorded in the same area (i.e. BSI).

On the contrary, as set forth above, claim 27 recites that the first control data is included with the audio title set, while the second control data is recorded at a head of the audio zone (i.e. different areas). Since Endoh discloses that both of the alleged control data are recorded in the same area (i.e. the BSI in frame header 424), Applicant submits that Endoh fails to teach or suggest the positioning of the claimed first and second control data.

Irrespective of the above, on pg. 4 of the Office Action, the Examiner maintains that col. 28, lines 51-54 of Endoh suggest a location for the alleged second control data. However, the cited portion merely discloses that a packet header 321 is positioned at the head of audio packet 331. The packet header 321 has a stream id indicating whether the pack is intended for a video stream, an MPEG audio stream or a private stream. Therefore, such packet header fails to specifically disclose that it relates solely to the claimed second control data for reproducing

substantive data by a simple audio player. Further, there is no disclosure whether additional control data, i.e., the claimed first control data, would be located in the audio pack, in a position other than a position of the packet header 321. Rather, as set forth above, Endoh discloses that all control information is recorded at a frame header.

The Examiner refers to the Nagasawa reference as teaching the placement of control information at the head of an audio zone (pg. 4 of Office Action). Based on the Examiner's interpretation, Nagasawa would further support Endoh's teaching of both of the alleged control data, or all control data being positioned at a header portion. On the contrary, as recited in claim 27, the claimed first control data is provided in the audio title set, where the audio title set is not provided at the head of the audio zone.

Further, the Examiner cites to the Heo reference as disclosing that an audio title set is not provided at the head of an audio zone (Fig. 10). However, in view of the above, Applicant submits that Heo fails to cure the deficient teachings of Endoh and Nagasawa. In addition, Fig. 10 of Heo fails to disclose that a type of "second" control data would be recorded at a head of the audio zone.

Accordingly, Applicant submits that claim 27 is patentable over the cited references and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 37, 40, 41 and 44

Since claims 37, 40, 41 and 44 contain features that are analogous to the features recited in claim 27, Applicant submits that such claims are patentable for at least analogous reasons as presented above.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/285,772

C. Claims 28-36, 38-39, 42-43 and 45-46

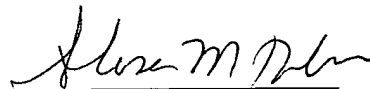
Since claims 28-36, 38-39, 42-43 and 45-46 are dependent, either directly or indirectly, upon one of claims 27, 40, 41 and 44, Applicant submits that such claims are patentable at least by virtue of their dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: January 6, 2005